


[Home](#) [Courts](#) [Court Dockets](#) [Legal Research](#) [Calendar](#) [Help](#)
[Previous Section](#) [Top Of Index](#) [This Point in Index](#) [Citationize](#) [Next Section](#) [Print Only](#)

Title 76. Torts

## Oklahoma Statutes Citationized

### Title 76. Torts

#### Section 5.6 - Food Donations - Civil and Criminal Liability - Regulation of Use - Definitions

Cite as: O.S. §. \_\_ \_\_

A. Any donor who makes a good-faith donation of food which is at the time of donation fit for human consumption to a charitable organization or nonprofit corporation shall not be liable for damages in any civil suit or subject to criminal prosecution for any injury resulting from the nature, age, condition or packaging of the donated food, unless the injury or death is a direct result of the gross negligence, recklessness or intentional misconduct of the donor.

B. Information shall be posted with the **State Department of Health** on its website under the existing heading "Protective Health" within a new section labeled "Options for Safe Food Donation" with hyperlinks to Section 5.6 of Title 76 of the Oklahoma Statutes, Oklahoma Administration Code Title 310: Chapter 257, 42 U.S.C., Section 1791, and to the website of Oklahoma State University's Robert S. Kerr Food and Agriculture Products Center.

C. This section shall apply to all good-faith donations of perishable or nonperishable food which is not readily marketable due to appearance, freshness, grade or other conditions.

D. This section shall not restrict the authority of any appropriate agency to regulate or ban the use of such food for human consumption.

E. For purposes of this section:

1. "Donor" means any person, profit or nonprofit food distributor, or person who harvests perishable foods who makes a good-faith donation of food;

2. "Good-faith donation" means a gift conferred without condition or consideration;

3. "Charitable organization" means any benevolent, philanthropic, patriotic, eleemosynary, educational, social, civic, recreational or religious group or association or any other person performing or purporting to perform acts beneficial to the public;

4. "Nonprofit corporation" means a corporation formed for a purpose not involving pecuniary gain to its shareholders or members, paying no dividends or other pecuniary remuneration, directly or indirectly, to its shareholders or members as such, and having no capital stock; and

5. "Food" includes any packaged, prepared, perishable or nonperishable food item.

#### **Historical Data**

Laws 1981, HB 1052, c. 9, § 1, emerg. eff. April 6, 1981; Amended by Laws 2013, HB 1418, c. 339, § 3, emerg. eff. May 29, 2013 ([superseded document available](#)).

#### **Citationizer® Summary of Documents Citing This Document**

Cite	Name	Level
------	------	-------

None Found.

#### **Citationizer: Table of Authority**

Cite	Name	Level
------	------	-------

None Found.